



**New York State Board for Professional Medical Conduct**

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

December 19, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Robert Tichell, M.D.  
125 Lattimore Road  
Rochester, New York 14620-4107

RE: License No. 092682

Dear Dr. Tichell:

Enclosed please find Order #BPMC 97-315 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: John C. Herbert, Esq.  
Harter, Secrest & Emery  
700 Midtown Tower  
Rochester, New York 14604

Karen Eileen Carlson, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER OF  
  
OF  
  
ROBERT TICHELL, MD

CONSENT  
AGREEMENT  
AND ORDER  
BPMC # 97-315

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ROBERT TICHELL, being duly sworn, deposes and says:

On or about July 30, 1964 I was licensed to practice as a physician in the State of New York, having been issued license number 092682 by the New York State Education Department.

I understand that I have been charged with twelve specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I hereby do not contest the charges against me as set forth in Exhibit A.

I hereby agree to the following penalty:

My license to practice medicine in New York state will contain a **permanent limitation**.

Pursuant to this limitation I will no longer provide any medical care or treatment whatsoever to any patients nor will I perform any surgical procedures on any patients. I will also no longer provide any medical consultations of any kind to any other professional.

Further, as a result of this permanent limitation I will no longer apply for or maintain any privileges at any hospitals or other facilities. I will have no type of patient contact whatsoever with any patients in any capacity or in any facility.

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I understand that, in the event that the Board does not grant this application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me; such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event that the State Board for Professional Medical Conduct agrees with this consent agreement, an order of the Chair of the Board shall be issued in accordance with same.

I make this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

*Robert Tichell, M.D.*

ROBERT TICHELL, MD.

Respondent

Subscribed before me this <sup>12<sup>th</sup></sup> day of *June*, 1997

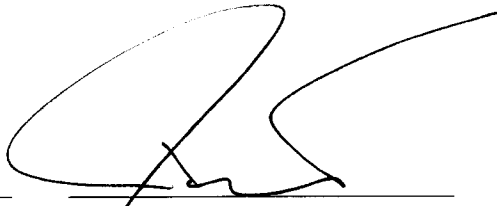
*Barbara Phaff*  
NOTARY PUBLIC

**BARBARA PHAFF**  
Notary Public, State of New York  
Qualified in Monroe County  
Commission Expires Nov. 23, 19*97*

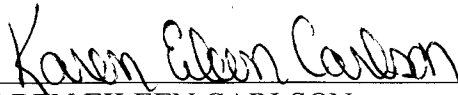
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AGREED TO:


DATE: 12/13/97

  
\_\_\_\_\_  
Attorney for Respondent

DATE: 12/15/97

  
\_\_\_\_\_  
KAREN EILEEN CARLSON  
ASSOCIATE COUNSEL  
Bureau of Professional Medical Conduct

DATE: December 16, 1997

  
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ANNE F. SAILE  
DIRECTOR  
Office of Professional Medical Conduct

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ORDER

Upon the proposed agreement of ROBERT TICHELL, MD, (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATE: 12/16/97

Patrick F. Carone, M.D.  
PATRICK F. CARONE, MD., MPH  
Chair *F. PFC*  
State Board for Professional  
Medical Conduct

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STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT  
OF : OF  
ROBERT TICHELL, M.D. : CHARGES

-----X

Robert Tichell, M.D., the Respondent, has been authorized to practice medicine in New York State since being issued license number 092682 on July 30, 1964 by the New York State Education Department with the exception of a six month period of a suspension of his license from June 4, 1997 through December 4, 1997.

**FACTUAL ALLEGATIONS**

- A. Respondent provided gynecological care to Patient A [all patients are identified in Appendix] among other times, between January and February, 1995 the Strong Memorial Hospital and at his office at 125 Lattimore Road, Rochester, New York [hereafter "Respondent's office"]. Respondent engaged in the following conduct which was not medically justified:
1. Respondent hugged Patient A while holding her arms down at her sides, while she was in a hospital bed.
  2. Respondent attempted to kiss Patient A on her mouth.

Exhibit A

3. Respondent moved his hands over the lower part of Patient A's body, from the hips down to the ankles, while she was on the examining table.

B. Respondent provided gynecological care to Patient B, among other times, on or about June of 1993 at Respondent's office. Respondent engaged in the following conduct which was not medically justified:

1. Respondent hugged Patient B while holding her arms down at her sides, while she was undressed on the examining table.

2. Respondent, immediately after hugging Patient B as described in (1) above, attempted to kiss Patient B on her mouth.

C. Respondent provided gynecological care to Patient C, among other times, on or about June 22, 1993 at Respondent's office. Respondent engaged in the following conduct which was not medically justified:

1. Respondent hugged Patient C while holding her arms down at her sides.

2. Respondent, while hugging Patient C as described in (1) above, repeatedly told Patient C I love you or words to that effect.



3. Respondent kissed Patient C on her mouth.
- D. Respondent provided gynecological care to Patient D, among other times, on or about October, 1990 in Respondent's office. Respondent engaged in the following conduct which was not medically justified:
1. Respondent attempted to kiss Patient D on her mouth.
- E. Respondent provided gynecological care to Patient E in Respondent's office, among other times, on or about February, 1989. Respondent engaged in the following conduct which was not medically justified:
1. Respondent hugged Patient E while holding her arms down at her sides.
  2. Respondent, while hugging Patient E as described in (1) above, kissed Patient E on her mouth.
- F. Respondent provided gynecological care to Patient F in Respondent's office, among other times, on or about November, 1994 and also on or about April, 1997. Respondent engaged in the following conduct which was not medically justified:
1. Respondent kissed Patient F on her mouth.

2. Respondent hugged Patient F following a gynecological examination.

### SPECIFICATIONS

#### FIRST THROUGH SIXTH SPECIFICATIONS

#### MORAL UNFITNESS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(20) (McKinney Supp. 1997) by reason of his conduct in the practice of medicine which evidences moral unfitness to practice medicine in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, and/or A and A.3.
2. The facts in Paragraphs B and B.1 and/or B and B.2.
3. The facts in Paragraphs C and C.1, C and C.2 and/or C and C.3.
4. The facts in Paragraphs D and D.1.
5. The facts in Paragraphs E and E.1 and/or E and E.2.
6. The facts in Paragraphs F and F.1 and/or F and F.2.

**SEVENTH THROUGH TWELFTH SPECIFICATIONS**

**WILFUL PHYSICAL OR VERBAL ABUSE OR HARASSMENT OF A PATIENT**

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(31) (McKinney Supp. 1997) by reason of his wilfully harassing or abusing a patient either physically or verbally in that Petitioner charges:

7. The facts in Paragraphs A and A.1, A and A.2 and/or A and A.3.
8. The facts in Paragraphs B and B.1 and/or B and B.2.
9. The facts in Paragraphs C and C.1, C and C.2 and/or C and C.3.
10. The facts in Paragraphs D and D.1.
11. The facts in Paragraphs E and E.1 and/or E.2.
12. The facts in Paragraphs F and F.1 and/or F.2.

DATED: *November 20*, 1997  
Albany, New York

*Peter D. Van Buren*

PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct